

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARGARET ZEMAK,

Plaintiff,

v.

BANK OF AMERICA, NATIONAL
ASSOCIATION,

Defendant.

No. 2:16-cv-581-JLR

**STIPULATED MOTION TO
EXTEND DISCOVERY CUTOFF
ONLY AND FOR LEAVE TO FILE
PLAINTIFFS' SECOND
AMENDED COMPLAINT**

NOTE ON MOTION CALENDAR:
December 8, 2017

Plaintiff Margaret Zemak and Defendant Bank of America, National Association, by and through their counsel, stipulate and jointly request the Court enter an order: (1) granting leave to Plaintiff to file her Second Amended Complaint, which Second Amended Complaint is on file with this Court, Dkt. No. 25-1; and (2) extending the discovery cutoff, but no other deadlines related to dispositive motions or trial, by one month to allow for additional discovery in light of Plaintiff's new claim added in her Second Amended Complaint.

The parties currently have mediation scheduled for December 22, 2017. In November, the parties issued supplemental written discovery and identified eight deponents required for further depositions, five of whom are third-party deponents. However, in light of the possibility

STIPULATED MOTION RE: SECOND AMENDED COMPLAINT AND DISCOVERY - 1
(2:16-cv-00581 JLR)

1 of resolving all claims, and to save the parties' resources and avoid undue burden on third-
2 parties, the Plaintiff and Defendant agreed (before Plaintiff filed her Motion for leave to file her
3 Second Amended Complaint) to suspend discovery pending mediation.

4 After reviewing Plaintiff's Second Amended Complaint, Defendant has determined that
5 it will need to reopen Plaintiff's deposition on the limited issue of her new rest and meal break
6 violations claims, to which the Plaintiff has agreed. Based on Plaintiff's arguments in support
7 of her Motion for leave to file her Second Amended Complaint, Defendant also believes that
8 additional third-party depositions and written discovery may be necessary. Although the parties
9 believe that they can complete all discovery contemplated before the Defendants learned of the
10 Second Amended Complaint, the parties do not believe that the additional discovery required
11 by the Second Amended Complaint can be completed by the current discovery cutoff. The
12 parties therefore request a short extension of the discovery cutoff only, by approximately one
13 month:

- 14 • Discovery cutoff – changed from January 29, 2018 (current) to February 28,
15 2018 (proposed).
- 16 • Deadline for filing any motions related to discovery – changed from January 2,
17 2018 (current) to February 1, 2018 (proposed).
- 18 • All other dates as set forth in this Court's Minute Order Setting Trial Dates and
19 Related Dates, ECF No. 20.

20 The parties do *not* request that the dispositive motion deadline or any trial-related
21 deadlines be changed.
22
23

1 DATED this 8th day of December, 2017.

2 Davis Wright Tremaine LLP
3 Attorneys for Defendant

4 By /s/ Joseph P. Hoag

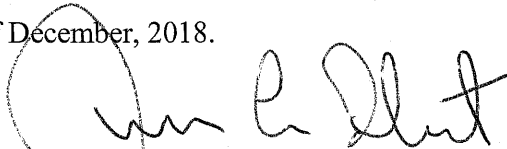
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IT IS SO ORDERED. Dated this th10 day of December, 2018.


Judge James L. Robart

CERTIFICATE OF SERVICE

I hereby certify that on the date below stated, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 8th day of December, 2017.

/s/ Joseph P. Hoag
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